



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक १३]

बुधवार, फेब्रुवारी २८, २०१८/फाल्गुन ९, शके १९३९

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असाधारण क्रमांक ३०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Hyderabad Atiyat Inquiries (Amendment) Bill, 2018 (L. A. Bill No. IV of 2018), introduced in the Maharashtra Legislative Assembly on the 28th February 2018 is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. IV OF 2018.

A BILL

further to amend the Hyderabad Atiyat Inquiries Act, 1952.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Hyderabad Atiyat Inquiries Act, 1952 for the purposes hereinafter appearing ; and, therefore, promulgated the Hyderabad Atiyat Inquiries (Amendment) Ordinance, 2018 on the 12th February 2018 ;

Hyd. Act
No. X of
1952.
Mah.
Ord. VI
of 2018.

AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State Legislature ; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

Short title and commencement. **1.** (1) This Act may be called the Hyderabad Atiyat Inquiries (Amendment) Act, 2018.

(2) It shall be deemed to have come into force with effect from the 12th February 2018.

Amendment of section 6 of Hyd. Act No. X of 1952. **2.** In section 6 of the Hyderabad Atiyat Inquiries Act, 1952 (hereinafter referred to as “the principal Act”),—
Hyd. Act No. X of 1952.

(a) before the first proviso, the following proviso shall be inserted, namely :—

“ Provided that, the Government may allow transfer of land under such grants if such land,—

(i) is reserved for any public purpose in the draft or final Development Plan prepared as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 and is required by the Appropriate Authority or the Planning Authority ; or

Mah. XXXVII of 1966.

(ii) is required for any medical or educational purpose : ” ;

(b) in the first proviso, for the words “ Provided that ” the words “ Provided further that ” shall be substituted.

Repeal of Mah. Ord. VI of 2018 and saving. **3.** (1) The Hyderabad Atiyat Inquiries (Amendment) Ordinance, 2018, is hereby repealed.
Mah. Ord. VI of 2018.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Hyderabad *Atiyat* Inquiries Act, 1952 (Hyd. Act No. X of 1952) applies to Hyderabad Area of the State of Maharashtra, that is to say, Marathwada. The said Act is applicable in respect of lands known as “*Khidmatmash Inam Lands*” being the lands provided to various *Devasthans* for meeting daily expenses. Section 6 of the said Act provides for prohibition of alienation or encumbrance and exemption of attachment by Court.

2. Due to rapid urbanisation, said lands now form part of urban areas. Even if the respective final Development plans or Regional plans applicable in respect of such urban areas provide reservation of those lands for various purpose, in view of the provisions of said section 6, it was not possible for such lands to be used in accordance with the relevant Development Plans or Regional Plans.

3. With a view to ensuring that the “*Khidmatmash Inam Lands*” may be used for public purposes envisaged under Development plan or for medical or educational purpose, it was considered expedient to provide that, the Government may allow transfer of land under such grants if such land is reserved for any public purpose in the draft or final Development plan and is required by the Appropriate Authority or the Planning Authority ; or if such land is required for any medical or educational purpose, by amending the said Act of 1952, suitably.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Hyderabad *Atiyat* Inquiries Act, 1952 (Hyd. Act No. X of 1952), for the purposes aforesaid, the Hyderabad *Atiyat* Inquiries (Amendment) Ordinance, 2018 (Mah. Ord. VI of 2018), was promulgated by the Governor of Maharashtra on the 12th February 2018.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 23rd February 2018.

CHANDRAKANT (DADA) PATIL,
Minister for Revenue.